

Environmental Focus Group 1:00 6/30/04

Attendance: Susan Puntillo, notes; Mark McDermid, facilitator; Steve Hiniker, Charlene Le Moine, Russ Evans, Toral Jah, John Imes, Jenna Kunde, Elizabeth Wheeler

Introduction: Information gathering, need their perspective, doing this because of budget issues, desire to take advantage of new technologies, and

Group Expectations or What they wanted to see coming out of today's session:

- Promote infill development in urban areas – need processes that make it easier to reclaim and get the biggest bang for the buck
- Hold to zero waste plan
- Provide us with information to help us achieve goals
- Reduce environmental footprint with building
- Interest with Green Tier and reducing environmental impact - work to get everyone on board with this
- Bring public perspective – problems public has with public participation process (siting landfills)

Question 1: What experience have you had with the waste program – our regulatory process and rule making?

- Good efforts with Gene Mitchell from SCR – wood and dry wall issues – really helpful
- Be responsive, available, really clear and upfront
- Food waste composting – regs are very confusing, not written with idea of organic composting in mind – have to deal with landfill standards – very cumbersome
- Brownfields remedial efforts – try to develop win/win; possible to be innovative; However there is uneven application of regulations. Seems like higher standard between regions and sometimes between staff. 'Go regulator shopping' Need consistency

- RCRA does contribute to some of the confusion and inconsistency – we should look at what process we can develop to lessen the line between solid and hazardous waste
- Uneven regulatory administration – regionalization (started in 93 went to implementation in 96)
- Contested case hearing – made some progress – Now people are not involved in this process because (Orchard Ridge) things are already signed siting agreement – before people get to comment. WI has a two track process –state and local – revisions to local siting laws
- Chapter 289.29d – design cap has to exceed anticipated projections for 10 years
- Plan of operation has no public comment plan
- Contested Case Hearing process puts the public at a disadvantage. Adversarial process, no public intervenor
- Green building – had innovative things they wanted to do – but frustrating – no clear process and took a long time. Might have been OK just has to be gone through for every waste stream. DNR is cooperative, but still need to get answers

Question 2: What are we doing well –why is it successful and how could we build on these successes in our other work?

- Brownfields doing well because you give out money
- Useful to have clear regional contacts – has a plus and minus – back to ‘regulator shopping’
- Some people are very good. We need to replicate them or manage staff to that standard
- Continue to have focus groups like this – need ongoing conversations – build on what we are doing – continue the dialogue, more input from the public Forums once or twice a year. Industry knows how to get to regulators or legislators. Local groups don’t and need that exchange
- Hesitation on part of the Dept. to involve public – non-profits cannot represent public
- Show how we use these input sessions to drive public policy

- Do technical advisory committees well. Build on that. Do not always get what we want, but they are open and fair. Develop relationships with diverse groups – will help build better policy

Question 3: What are the main issues that we should be aware of in reviewing issuing, solid waste and hazardous waste approvals or in changing in our approval process or rules?

- Fix contested case process – see what PSC is doing to improve their public hearing process. Need way to balance lengthening process with holding up large economic decisions.
- Things don't have to be free, but make it easy – in reference to looking at feasibility – have loaner copy for people to check out, take home, study and get back
- DNR look at rules as they relate to composting – esp as they relate to food waste
- Lead on concrete – recycle with lead paste on it – want a clear yes or no answer
- Fluorescent tubes – took years to get a yes no answer – finally got a NO
- Besmart.org
- Mechanism that rewards innovation – give a competitive advantage – real benefits for playing at that level. If you do not want to play at that level fine – use the existing system.

Question 4: What changes or approach do you recommend we adopt to be better positioned to meet changing needs of industry, the environment and our public?

- Web site is maddening. Good info, but search engine is poor. Take years to find things. Once you find it you cannot find it again.
- Web site is good way to involve public, but public can't find anything.
- Can we use listserves
- Make sure the info is what agents are actually saying

- Landfill tonnage capacity reports are not comprehensive and do not go back historically
- Interested party designee – give them the opportunity to be notified when something comes up – could really change the perception of the DNR
- Potential opportunities: WI Recycling markets directory needs to be improved
- Potential opportunity: work with other agencies – DOA specs for all state projects to recycle construction wastes, etc. Promote our waste goals throughout state agencies

Question 5: How do you compare our program and our regulatory process to other states you work with? Please provide specific examples.

- Mass and IL – better opportunities for public participation
- IL – if grievance process – people work outside of the siting committee – have an appeal process and penalties. We have rules in 289, but no enforcement part
- On paper the public participation is OK, but the two track system causes a problem
- Mass - Incinerator proposal – at town meeting given an opportunity to vote. In WI once targeted you cannot say no, you have to negotiate everything, but in the end they get the site.
- When folks work with DNR and come up with an idea there are funding avenues open. Happens in some states. We don't seem to have this anymore.

Question 6: If you could change 3 things about our solid and our hazardous waste programs what would they be?

- Anti-democratic approval process of landfills and expansion
- Complete review and revamping of Ch. 289 to make it more relevant to type of landfills we see today – both DNR side and local govt side.
- Environment focused, set consensus based reduction goals

- Investigating and making clear rules, guidelines, process, for recycling and getting the information out to encourage recycling and composting
- Move from managing waste to eliminating waste
- Design and create a better system for public participation and representation in regulatory decisions eg – public at disadvantage in contested case procedures
- Recycling laws are not comprehensive enough
- Availability and accessibility of info onsite and online
- Ensure innovative proposals handled in a positive and expedited way – want people telling positive stories
- More DNR funds and staff
- Need more expertise – dwindling in DNR – expertise is leaving and newcomers are getting laid off – training is coming from the outside they feel they have to train DNR staff
- Consistency in decisions
- Brownfields – need more urgency – environment and economic win – help justify greater staff and money
- Working with other state agencies as they interface with waste issues
- Treat public as a customer
- Better focus on global objectives and mission (stop the band aid approach)
- Advocate for natural resources
- Advocate more transparency in decision making

Gaps

- Aquifer approach to ground water remediation
- Compare and contrast comments from all the groups
- Like to see themes by group